

## **REMARKS/ARGUMENTS**

### ***Status of the Application***

In the July 27, 2005, Non-Final Office Action, claims 1-13 were rejected. In the present response, claims 4 and 7 were canceled without prejudice and claims 1, 5-6, 8, and 11-13 were amended.

Claim 1 was amended to remove an extraneous period following the description of diol b) with a semicolon. Claim 1 was also amended to include diols which are the reaction products of hydroxy carboxylic acid esters and linear diols or branched diols (see page 4, lines 25-30, for support).

Claims 5-6 and 8 were amended to change their dependency from canceled claims 4 and 7, respectively, to claim 1. Claims 11 and 12 were amended to recite clear, active process steps (see page 8, line 28 – page 9, line 35 for support). Claim 13 was amended to change dependency from claim 11 to both claim 11 and 12.

Thus, claims 1-3, 5-6, and 8-13 are pending. No new matter was added.

### ***Rejections Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph***

Claims 7 and 8 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as failing to point out and distinctly claim the subject matter which the Applicants regard as their invention. The Examiner asserted that “claim 7 does not distinguish over claim 1 upon which it is dependent upon.” In the present response, claim 7 was canceled. Thus, this rejection is moot.

Claims 11-13 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as failing to point out and distinctly claim the subject matter which the Applicants regard as their invention. The Examiner noted that the “process should at least recite clear, active steps and any process parameters necessitated by the specification.”

Applicants respectfully submit that claims 11-12, as amended, recite clear, active process steps. Thus, the section 112, 2<sup>nd</sup> paragraph, rejection should be obviated. Because claim 13 is a dependent claim, which recites even further limitations to the claims that have already been traversed, Applicants rely upon the arguments presented above in rebuttal to the Examiner’s assertion that claim 13 fails to point out and distinctly claim the subject matter which the Applicants regard as their invention.

Claims 1-13 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as failing to point out and distinctly claim the subject matter which the Applicants regard as their invention. Specifically, the Examiner asserts that the average molecular weight of diol b) is indefinite.


Applicants are uncertain as to the nature of this rejection. Claim 1 states that diol b) is “at least one diol with a number average molecular weight (Mn) of 200-1000 g/mol.” The Examiner, however, interprets this limitation as average molecular weight and, thus, states that for a polymer average molecular weight “defined by a number only is normally so meaningless as to be indefinite.” The Examiner then suggests that average molecular weight for a polymer should be “defined by one of the standard types (Mw, Mn, etc.).” (emphasis added). Applicants believe that they have defined average molecular weight of the diol using number average molecular weight (Mn) and, if such a belief is unwarranted, respectfully request that the Examiner explain the perceived problem with the current definition.

Because claims 2-3, 5-6, and 8-13 are dependent claims, which recite even further limitations to the claim that has already been traversed, Applicants rely upon the arguments presented above in rebuttal to the Examiner’s assertion that claims 2-3, 5-6, and 8-13 fail to point out and distinctly claim the subject matter which the Applicants regard as their invention.

**Summary**

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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